

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JARED J. KYNASTON,

Defendant.

No. CR-12-016-WFN-1

ORDER GRANTING THE UNITED
STATES' MOTION FOR DETENTION

☒ MOTION GRANTED
(ECF No. 30)

Date of bail hearing: **February 15, 2012**

☐ Defendant, personally and through counsel, waived the right to a bail hearing.

☒ The court has conducted a bail hearing pursuant to 18 U.S.C. § 3142(f), and has considered the Pretrial Services Report and proffers of the parties. The court, based upon the factual findings and statement of reasons for detention hereafter set forth, and as stated in court, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

☐ Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that Defendant is a flight risk and a danger to the community based on the nature of the pending charge. Application of the presumption is appropriate in this case.

☐ Defendant has a history of: ☐ Failures to appear
☐ Failures to comply

☐ Defendant has few or no ties to the community.

- 1 ☒ Defendant has a ☐ significant criminal history.
- 2 ☒ Defendant has an outstanding warrant(s).
- 3 ☐ Defendant does not have a suitable residence.
- 4 ☐ Defendant appears to suffer from chemical dependency.
- 5 ☒ The Grand Jury has found probable cause.
- 6 ☒ Other: family support
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- 11 _____
- 12 ☐ The court finds the Defendant is not supervisable.
- 13 ☒ By a preponderance of the evidence there are no conditions or
- 14 combination of conditions other than detention that will reasonably
- 15 assure the appearance of Defendant as required.
- 16 ☐ By clear and convincing evidence there are no conditions or
- 17 combination of conditions other than detention that will ensure the
- 18 safety of the community.
- 19 ☐ Defendant is currently on probation/supervision resulting from
- 20 a prior offense.
- 21 ☐ Bureau of Immigration and Customs Enforcement Detainer.

22 **IT IS ORDERED:**

23 1. Defendant shall be held in detention pending disposition

24 of this case or until further order of the court. If Defendant

25 waived a bail hearing, or should circumstances change, Defendant may

26 petition the court to reopen the detention issue by written motion

27 to amend and request for hearing, served upon the United States

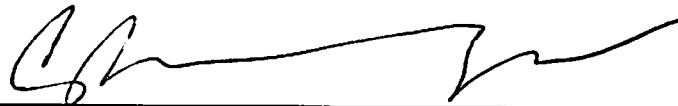
28 Attorney.

1 2. Defendant is committed to the custody of the U.S. Marshal
2 for confinement separate, to the extent practicable, from persons
3 awaiting or serving sentences or being held in custody pending
4 appeal.

5 3. Defendant shall be afforded reasonable opportunity for
6 private consultation with counsel.

7 4. If the Defendant seeks review of this Order pursuant to 18
8 U.S.C. § 3145(b), attorney for Defendant shall file a written motion
9 for revocation or amendment of this Order within ten (10) days
10 before the district judge to whom this case is assigned and note it
11 for hearing at the earliest possible date. Both parties are
12 responsible to ensure the motion is determined promptly.

13 DATED: February 15, 2012.

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15 _____
16 CYNTHIA IMBROGNO
17 UNITED STATES MAGISTRATE JUDGE
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